

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JONATHAN MONSARRAT,

Defendant in counterclaim,

v.

BRIAN ZAIGER

Plaintiff in counterclaim

CIVIL ACTION NO. 17-cv-10356-PBS

**MONSARRAT’S MOTION FOR LEAVE TO FILE AN AFFIDAVIT IN REPLY TO
ZAIGER’S OPPOSITION TO MONSARRAT’S MOTION FOR LEAVE TO FILE A
REPLY IN SUPPORT OF HIS MOTION FOR JUDGMENT ON THE PLEADINGS**

Pursuant to Local Rule 7.1(b)(3), Jonathan Monsarrat, defendant in counterclaim requests leave to file an affidavit of his counsel in reply to Zaiger’s February 7, 2018 opposition, Doc. 101, to Monsarrat’s February 7, 2018 motion (Doc. 100) for leave to file a reply to Zaiger’s January 31, 2018 opposition, Doc. 96 et seq., to Monsarrat’s January 23, 2018 motion for judgment on the pleadings, Doc. 90.

Zaiger’s opposition is predicated on Monsarrat’s counsel’s purported refusal to confer under Local Rule 7.1. To the extent material to the Court’s consideration of the motion for leave to file a reply, Doc. 100, Monsarrat’s reply in the form of an affidavit of counsel sets the complete record of the parties’ Local Rule 7.1 communications.

WHEREFORE Jonathan Monsarrat requests leave to file the affidavit of his counsel attached as Exhibit A.

DATED: February 8, 2018.

Respectfully submitted,

JONATHAN MONSARRAT,

Plaintiff,

By his attorney,

ss/ Richard A. Goren

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)

I hereby certify that on February 8, 2018, I conferred by email with the defendant's counsel and attempted in good faith to resolve or narrow the issues.

/s/ Richard A. Goren

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), on February 8, 2018.

/s/ Richard A. Goren